

**Program Decision Document 18-001**  
**Minor Modifications**  
**Implementation Agreement, Funding and Management Agreement**  
**and Table 1-2 LCR MSCP Biological Assessment and Habitat Conservation Plan**

**Background:**

- The Implementation Agreement (IA) and the Funding and Management Agreement (FMA) were made effective on April 4, 2005, the Effective Date of the original section 10(a)(1)(B) incidental take permit issued by the U.S. Fish and Wildlife Service for the LCR MSCP.
- Species that are covered by the incidental take permit are defined in Section 3.12 of the IA and 3.15 of the FMA as Covered Species. Covered Species are defined as those twenty-six species listed in Sections 2(C) and 2(D) of the IA, as of the Effective Date. Section 2(E) of the IA lists the evaluation species that were not listed under the ESA as of the Effective Date.
- Section 10.4 of the IA provides for the addition of Covered Species to the program if they become listed.
- A change to the IA and FMA is needed each time a species is added to the list of Covered Species. In addition, if a species status changes from unlisted to threatened or endangered, the list should also be changed.
- Table 1-2 of the Habitat Conservation Plan (HCP) and Biological Assessment (BA) lists the proposed Covered and Evaluation Species under the LCR MSCP and their federal status. If the federal status of a species changes or new species are added to the program, this table also becomes out of date.

**Proposed Minor Modifications:**

- The proposed minor modifications to the IA and FMA would change the language in the agreements to reference Table 1-2 of the HCP and BA, as amended or modified, in place of listing each species.
- The proposed minor modification to Table 1-2 of the HCP and BA would update the table to reflect current species status.

## Implementation Agreement Proposed Changes

### 2. RECITALS AND PURPOSES

C. The planning area provides habitat for ~~the following~~ Covered Species which are listed as endangered or threatened under the ESA as of the Effective Date and as added by amendment to the section 10(a)(1)(B) permit and Biological Opinion. A list of Covered Species is provided in Table 1-2 of the HCP and BA, as amended or modified:

~~Bonytail  
Humpback chub  
Razorback sucker  
Desert tortoise  
Southwestern willow flycatcher  
Yuma clapper rail~~

D. The planning area also provides habitat for certain ~~the following~~ Covered Species which are not listed as endangered or threatened under the ESA as of the Effective Date. A list of these species is provided in Table 1-2 of the HCP and BA, as amended or modified:

~~Threecorner milkvetch  
Sticky buckwheat  
MacNeill's sootywing skipper  
Flannelmouth sucker  
Relict leopard frog  
Flat-tailed horned lizard  
Western least bittern  
California black rail  
Yellow-billed cuckoo  
Elf owl  
Gilded flicker  
Gila woodpecker  
Vermillion flycatcher  
Arizona Bell's vireo  
Sonoran yellow warbler  
Summer tanager  
Western red bat  
Western yellow bat  
Colorado River cotton rat  
Yuma hispid cotton rat~~

E. The planning area also provides habitat for ~~the following~~ species (LCR MSCP evaluation species) that are not listed as endangered or threatened under the ESA as of the Effective Date, and for which coverage under the section 10(a)(1)(B) permit is not sought at this time. A list of evaluation species is provided in Table 1-2 of the HCP and BA, as amended or modified:

~~Desert pocket mouse  
Sonoran Desert toad (Colorado River toad)  
Lowland leopard frog  
California leaf-nosed bat  
Pale Townsend's big-eared bat~~

### 3. DEFINITIONS

12. “Covered Species” means those ~~twenty-six (26)~~ species ~~listed in~~ provided for under sections 2(C) and 2(D) of this Agreement.

23. “Listed Species” means those Covered Species that are listed by the Service as endangered or threatened on the Effective Date and as added by amendment to the section 10(a)(1)(B) permit and Biological Opinion issued for the LCR MSCP. These species are listed as shown in Table 1-2 of the HCP and BA, as amended or modified. ~~and as listed in section 2(C) of this Agreement~~

## Funding and Management Agreement Proposed Changes

### 3. DEFINITIONS

15. “Covered Species” means those ~~twenty-six (26)~~ species listed in sections 2(C) and 2(D) of the IA.

## Table 1-2 Final Biological Assessment and Final Habitat Conservation Plan Proposed Changes

**HCP and BA Table 1-2.** Proposed Covered and Evaluation Species under the LCR  
MSCP BA/HCP and their Status – Amended/Modified April 25, 2018

Page 1 of 2

Common and Scientific Name	Federal Status <sup>1</sup>	Arizona Status <sup>2</sup>	California Status <sup>3</sup>	Nevada Status <sup>4</sup>	Selection Criteria <sup>5</sup>
<b>Threatened and Endangered Species</b>					
Yuma clapper rail <i>Rallus longirostris yumanensis</i>	FE	ASC <sup>10</sup>	CT <sup>10</sup> /FP	NE <sup>17</sup>	1
Southwestern willow flycatcher <i>Empidonax traillii extimus</i>	FE	ASC	CE	NE <sup>17</sup>	1
Desert tortoise (Mojave population) <i>Gopherus agassizii</i>	FT	ASC	CT	NT	1
Bonytail <i>Gila elegans</i>	FE	ASC	CE	NE	1
Humpback chub <i>Gila cypha</i>	FE	ASC	–	–	1
Yellow-billed cuckoo <i>Coccyzus americanus occidentalis</i>	FT <sup>6</sup>	ASC	CE	NS <sup>18</sup>	1
Northern Mexican gartersnake <i>Thamnophis eques megalops</i>	FT <sup>7</sup>	ASC	-	-	N/A
Razorback sucker <i>Xyrauchen texanus</i>	FE	ASC	CE/FP	NE	1
<b>Other Covered Species</b>					
Western red bat <i>Lasiurus blossevillei</i>	–	ASC	CSC <sup>14</sup>	NS <sup>18</sup>	2
Western yellow bat <i>Lasiurus xanthinus</i>	–	ASC	CSC <sup>14</sup>	–	2
Colorado River cotton rat <i>Sigmodon arizonae plenus</i>	–	–	CSC	–	2
Yuma hispid cotton rat <i>Sigmodon hispidus eremicus</i>	–	–	CSC	–	2
Western least bittern <i>Ixobrychus exilis hesperis</i>	–	ASC <sup>11</sup>	CSC <sup>11</sup>	–	2
California black rail <i>Laterallus jamaicensis coturniculus</i>	–	ASC	CT/FP	–	1
Elf owl <i>Micrathene whitneyi</i>	–	–	CE	– <sup>19</sup>	1
Gilded flicker <i>Colaptes chrysoides</i>	–	–	CE	–	1

Common and Scientific Name	Federal Status <sup>1</sup>	Arizona Status <sup>2</sup>	California Status <sup>3</sup>	Nevada Status <sup>4</sup>	Selection Criteria <sup>5</sup>
Gila woodpecker <i>Melanerpes uropygialis</i>	—	—	CE	—	1
Vermilion flycatcher <i>Pyrocephalus rubinus</i>	—	—	CSC	—	2
Arizona Bell's vireo <i>Vireo bellii arizonae</i>	—	—	CE	—	1
Sonoran yellow warbler <i>Dendroica petechia sonorana</i>	—	—	CSC <sup>15</sup>	—	2
Summer tanager <i>Piranga rubra</i>	—	—	CSC	—	2
Flat-tailed horned lizard <i>Phrynosoma mcalli</i>	—	ASC	CSC	—	2
Relict leopard frog <i>Rana onca</i>	— <sup>8</sup>	ASC	—	NP	1
Flannelmouth sucker <i>Catostomus latipinnis</i>	—	— <sup>12</sup>	—	—	2
MacNeill's sootywing skipper <i>Pholisora graciellae</i>	—	—	—	—	2
Sticky buckwheat <i>Eriogonum viscidulum</i>	—	—	—	NEP	1
Threecorner milkvetch <i>Astragalus geyeri</i> var. <i>triquetrus</i>	—	—	—	NEP	1
<b>Evaluation Species</b>					
California leaf-nosed bat <i>Macrotus californicus</i>	—	ASC	CSC	NS <sup>18</sup>	N/A
Pale Townsend's big-eared bat <i>Corynorhinus townsendii pallescens</i>	—	—	CSC <sup>16</sup>	NS <sup>16/18</sup>	N/A
Colorado River toad <i>Bufo alvarius</i>	—	—	CSC	—	N/A
Desert pocket mouse <sup>9</sup> <i>Chaetodipus penicillatus sobrinus</i>	—	—	—	—	2
Lowland leopard frog <i>Rana yavapaiensis</i>	—	ASC <sup>13</sup>	CSC <sup>13</sup>	—	N/A

<sup>1</sup> Federal Status

- FE = Listed as endangered under the Federal Endangered Species Act ESA.
- FT = Listed as threatened under ESA.
- FC = Candidate for listing under ESA.

<sup>2</sup> Arizona Status

- ASC = Arizona wildlife of special concern.

<sup>3</sup> California Status

- CE = Listed as endangered under the California Endangered Species Act (CESA).
- CT = Listed as threatened under CESA.
- FP = Fully protected under the California Fish and Game Code.
- CSC = California species of special concern.

<sup>4</sup> Nevada Status

NE = Nevada endangered  
NT = Nevada threatened.  
NS = Nevada Sensitive.  
NEP = Nevada critically endangered plant.  
NP = Nevada protected.

<sup>5</sup> Selection Criteria

1. Species that are listed or that are proposed or candidates for listing under the ESA or species that are protected under Arizona, California, or Nevada law that could be affected by covered activities and would require take authorization;
2. Species that could become listed during the term of the LCR MSCP under the ESA or species that could become protected under Arizona, California, or Nevada law that could be affected by covered activities and could require future take authorization. Factors considered to determine potential for future listing during the term of the LCR MSCP are:
  - ongoing or likely future destruction, modification, or curtailment of a species' habitat or range of sufficient magnitude that could warrant future listing;
  - the inadequacy of existing regulatory mechanisms to protect a species from ongoing decline of sufficient magnitude that could warrant future listing; or
  - other natural or artificial factors that may affect a species' continued existence.

<sup>6</sup> Listed as threatened on July 7, 2014

<sup>7</sup> Listed as threatened on October 2, 2014. Added to the LCRMSCP by amendment March 5, 2018

<sup>8</sup> Changed from FC to no designation October 6, 2016.

<sup>9</sup> Changed to an Evaluation Species in the Final Biological Opinion

<sup>10</sup> Yuma Ridgeway rail (*Rallus obsoletus yumanensis*).

<sup>11</sup> Least bittern (*Isobrychus exilis*)

<sup>12</sup> Changed from ASC to no designation

<sup>13</sup> Lowland leopard frog (*Lithobates yavapaiensis*).

<sup>14</sup> Changed from no designation to CSC

<sup>15</sup> Sonoran yellow warbler (*Setophaga petechia sonorana*).

<sup>16</sup> Townsend's big-eared bat (*Corynorhinus townsendii*).

<sup>17</sup> Changed from no designation to NE

<sup>18</sup> Changed from no designation to NS

<sup>19</sup> Changed from NP to no designation

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N/A = Not applicable.